

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herein.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 40-61 are now pending. Claims 5, 10-13, 17, 20, 24-28 and 39 have been cancelled, and new claims 40-61 have been added, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents.

No new matter is added.

It is submitted that these claims are in full compliance with the requirements of 35 U.S.C. § 112. The amendments to the claims and the remarks herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Support for the amended claims can be found throughout the specification.

II. THE REJECTIONS OF THE CLAIMS ARE OVERCOME

Claims 5, 10-13, 17, 20, 24-38 and 39 were rejected under 35 U.S.C. § 101 because the claimed invention allegedly is not supported by either a specific and substantial asserted utility or a well-established utility. Claims 5, 10-13, 17, 20, 24-38 and 39 were rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking a specific and substantial asserted utility. Claims 5, 10-13, 27-38 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to indicate that the inventors had possession of the invention at the time of filing. And, claims 17, 20 and 24 were rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Agostino et al. (WO 98/45435). The rejections are respectfully traversed and will be addressed collectively.

Claims 5, 10-13, 17, 20, 24-28 and 39 have been cancelled herein, rendering the rejection of these claims moot. Accordingly, reconsideration and withdrawal of the rejections of the application is respectfully requested.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to allowance, an interview with the Examiner is respectfully requested, prior to issuance of any paper other than a Notice of Allowance; and, the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

In view of the remarks and amendments herewith and those of record, the application is in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance, or an interview at a very early date with a view to placing the application in condition for allowance, are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By: 

Thomas J. Kowalski

Reg. No. 32,147

Angela M. Collison

Reg. No. 51,107

Telephone: (212) 588-0800

Facsimile: (212) 588-0500